

### REMARKS

Claims 1, 2, 4, 5 and 7-13 are pending in the present application. Claims 1, 2, 4, 5, 11 and 12 have been amended herein. Claims 3 and 6 have been cancelled herein. Claim 13 has been added herein.

#### I. FORMAL MATTERS

The Examiner has objected to the title because it is allegedly not descriptive. Applicant submits that the amended title presented herein overcome this objection.

Applicant notes with appreciation that the Office Action acknowledges the claim to priority and indicates that the certified copy of the priority document has been received.

The Office Action includes a copy of the PTO Form 149's that were submitted with the Information Disclosure Statements that were filed on October 3, 2003 and November 22, 2004. The references cited therein are initialed by the Examiner, thereby indicating that these references have been considered by the Examiner and should be listed on any patent that issues from the subject application.

#### II. PRIOR ART REJECTIONS

A. Claims 1, 2 and 4

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,773,996 (Suzawa). This rejection is traversed.

Applicant submits that Suzawa does not teach or suggest that the ratio of the flow rate of the  $\text{NF}_3$  to the flow rate of the sum of the  $\text{SiCl}_4$  and the  $\text{NF}_3$  is approximately 1 to approximately 30 %, as recited by claims 1 and 2, on which claim 4 depends. This ratio of the flow rate to etchant creates an almost vertical angle between the sidewall of the etched surface and the surface of the insulating layer. Therefore, an angle of approximately 85 – 90 degrees can be obtained. In contrast, Suzawa discloses an angle of 5 – 60 degrees.

Since Suzawa does not teach or suggest each and every feature of claims 1, 2 and 4, Applicants submits that the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(e) is overcome and respectfully requests that it be withdrawn. Applicant submits that new claim 13 is patentable for the reasons presented with respect to claim 4

B. Claims 3, 7, 8, 10 and 11

Claims 3, 7, 8, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzawa. This rejection is traversed.

Claim 3 has been cancelled herein. Therefore, the rejection of claim 3 is moot. Regarding claims 7, 8, 10 and 11, Applicant submits that Suzawa does not teach or suggest that the ratio of the flow rate of the  $\text{NF}_3$  to the flow rate of the sum of the  $\text{SiCl}_4$  and the  $\text{NF}_3$  is approximately 1 to approximately 30 %, as recited by claims 1 and 2, on which claims 7, 8, 10 and 11 depend.

Since Suzawa does not teach or suggest each and every feature of claims 7, 8, 10 and 11, Applicants submits that the rejection of claims 7, 8, 10 and 11 under 35 U.S.C. § 103(a) is overcome and respectfully requests that it be withdrawn.

C. Claims 5, 6, 9 and 12

Claims 5, 6, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzawa in view of JP 2001-298193 (JP '193).

Claim 6 has been cancelled herein. Therefore, the rejection of claim 6 is moot. As presented above, Applicant submits that Suzawa does not teach or suggest that the ratio of the flow rate of the  $\text{NF}_3$  to the flow rate of the sum of the  $\text{SiCl}_4$  and the  $\text{NF}_3$  is approximately 1 to approximately 30 %, as recited by claim 5, on which claims 9 and 12 depend. JP '193 fails to make up for this deficiency of Suzawa. Therefore, the combination of Suzawa and JP '193 does not form the invention defined by claims 5, 6, 9 and 12. Thus, Applicant submits that the rejection of claims 5, 6, 9 and 12 under 35 U.S.C. § 103(a) is overcome and respectfully requests that it be withdrawn.

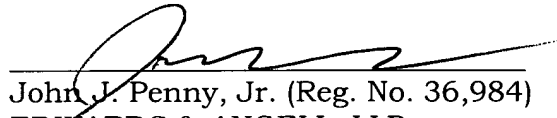
Amendment Under 37 C.F.R. § 1.111  
U.S.S.N.: 10/678,994  
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Based on the foregoing, Applicant submits that the present application is in condition for allowance. Applicant kindly requests the Examiner to contact the undersigned at the phone number listed below to discuss this application, if the Examiner feels that such discussion may expedite prosecution of the present application.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

Date: September 22, 2005  
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